
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

TERRY J MCMICKELL,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

REPORT AND RECOMMENDATION

Case No. 2:15-cv-597-TC

District Judge Tena Campbell

Magistrate Judge Evelyn J. Furse

On August 21, 2015, Plaintiff Terry J. McMickell moved this Court for permission to proceed in forma pauperis. (ECF No. 1.) In the accompanying affidavit, Ms. McMickell disclosed that while she does have sources of income, her monthly expenses may exceed her monthly income. Ms. McMickell indicated she has one dependent.

The filed information discloses two sources of income--\$3400.00 in her husband's monthly wages and \$244.00 monthly from her son's disability. (ECF No. 1 at 3.) These incomes place the household above 200% of the poverty level for a three-person household.


Ms. McMickell has failed to demonstrate the "financial inability to pay the required filing fees..." required to proceed in forma pauperis. *Williams v. Cherokee Nation Entm't, L.L.C.*, 446 F. App'x 86, 88 (10th Cir. 2011) (citing *Lister v. Dep't of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005)).

Based on Ms. McMickell's disclosures, the undersigned Magistrate Judge RECOMMENDS the Court DENY the Motion.

The Court will send a copy of this Report and Recommendation to Ms. McMickell, who is hereby notified of his right to object. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Ms. McMickell must file any objection to this Report and Recommendation within fourteen (14) days of service thereof. *Id.* Failure to object may constitute waiver of objections upon subsequent review.

DATED this 25th day of August, 2015.

BY THE COURT:



EVELYN J. FURSE
United States Magistrate Judge